

**DEPARTMENT OF PUBLIC HEALTH  
AND HUMAN SERVICES**

**CHAPTER 10**

**EMERGENCY HEALTH SERVICES**

**Subchapter 1**

**Living Wills**

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## Subchapter 1

## Living Wills

**37.10.101 DEFINITIONS** (1) "Comfort one" means a comprehensive, statewide program of identifying, providing palliative care and withholding resuscitative measures to terminally ill patients who have declared living wills or for whom a physician has issued a do-not-resuscitate order. Comfort one may also be used as an identifying term in educational programs for pre-hospital care providers, patients, physicians, hospital, hospice, home health and other medical personnel.

(2) "Comfort one form" means a uniform, single form for statewide use, approved by the department, indicating either that a valid and current declaration pursuant to 50-9-103, MCA, has been executed and that the declarant is a qualified patient, or that a physician has issued a do-not-resuscitate order for the patient. The form must contain the following:

- (a) name, sex, and birth date of the patient;
- (b) signature of the patient's attending physician or representative of a licensed hospice program in which the patient is enrolled;

- (c) comfort one logo;

- (d) the method by which a declaration may be revoked, if desired;

and

- (e) an explanation of comfort one, including the actions emergency care providers will take when presented with comfort one identification.

(3) "Comfort one card" means a uniform statewide identification card, approved by the department, indicating that a comfort one form has been issued to the patient and containing the following identifying information:

- (a) name, sex, and birth date of the patient;

- (b) comfort one logo;

- (c) signature of the patient's attending physician or representative of a licensed hospice program in which the patient is enrolled; and

- (d) the method by which a declaration may be revoked, if desired.

(4) "Comfort one logo" means a standard, statewide graphic display, including the words "comfort one", approved by the department, which must be displayed on comfort one forms, cards, necklaces, and bracelets.

(5) "Comfort one necklace or bracelet" means a necklace or bracelet of uniform statewide design, approved by the department, and indicating that a comfort one form has been issued to the patient. The comfort one necklace or bracelet must prominently display the comfort one logo and may only be issued to patients on verification that they have a comfort one form. (History: Sec. 50-9-110, MCA; IMP, Sec. 50-9-102, MCA; NEW, 1989 MAR p. 2232, Eff. 12/22/89; TRANS, from DHES, 1997 MAR p. 1462.)

Rules 02 and 03 reserved

37. 10. 104 LIVING WILL PROTOCOL (1) Under any of the following three circumstances, emergency medical services personnel must follow the protocol approved by the board of medical examiners for withholding life-sustaining procedures from a patient:

(a) The identity of the patient has been clearly established and the personnel have been presented with any one of the following:

- (i) a comfort one form for the patient;
- (ii) a comfort one card for the patient; or
- (iii) a written do-not-resuscitate order signed and dated by a physician.

(b) An unresponsive person is wearing a comfort one necklace or bracelet (no further identification is necessary).

(c) A physician's do-not-resuscitate order has been presented, but only when:

(i) the order is in writing and the personnel have a copy of the order or have seen the order; or

(ii) a physician issues a verbal order directly to the emergency medical services personnel.

(2) The living will protocol may also be designated the "comfort one protocol".

(3) This rule applies to an inter-hospital transfer of patients as well as a response to an emergency by emergency medical service personnel. (History: Sec. 50-9-110, MCA; IMP, Sec. 50-9-102, MCA; NEW, 1989 MAR p. 2232, Eff. 12/22/89; TRANS, from DHES, 1997 MAR p. 1462.)

37. 10. 105 SOURCES OF COMFORT ONE IDENTIFICATION

(1) Comfort one forms, cards, necklaces, and bracelets may be obtained only through:

- (a) physicians;
- (b) licensed hospice programs;
- (c) licensed home health agencies;
- (d) hospitals;
- (e) skilled nursing facilities;
- (f) long term care facilities; and
- (g) any other agency specifically approved by the department. (History:

Sec. 50-9-110, MCA; IMP, Sec. 50-9-102, MCA; NEW, 1989 MAR p. 2232, Eff. 12/22/89; TRANS, from DHES, 1997 MAR p. 1462.)

**Chapters 11 through 24 reserved**